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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF ARIZONA**

12 U-Haul International, Inc., a Nevada
13 corporation; eMove, Inc., a Nevada
14 corporation,

15 Plaintiffs,

16 v.

17 Hire a Helper, LLC, a California limited
18 liability company; Michael Glanz and Amy
19 Glanz, husband and wife; John and Jane
20 Does I - X; ABC Partnerships I - X; XYZ
21 Corporations I - X,

22 Defendants.

23 **INDEX OF EXHIBITS TO STATEMENT OF FACTS IN SUPPORT OF**
24 **APPLICATION FOR PRELIMINARY INJUNCTION ORDER**

25 Exhibits

- 26 A. Affidavit of Brian Coxson
27 B. Moving Help®-Moving Helper® Agreement
28 C. Sealed Records
29 D. blog.hireahelper.com printout
30 E. eMove 2005 website printout
31 F1. Hire a Helper 2007 website printout
32 F2. Hire a Helper 2008 website printout

EXHIBIT A

AFFIDAVIT OF BRIAN COXSON

COMES NOW Brian Coxson and submits this Affidavit in support of Plaintiff eMove's Application for Preliminary Injunction.

1. He is Program Manager of Plaintiff eMove, Inc.'s Moving Help® Program.

2. He has been the Moving Help® Program Manager since 2003.

3. As Program Manager, beginning in 2003, he was instrumental in the creation of the eMove Moving Help® MarketPlace and in particular the version in effect in 2005 to present.

4. During the infancy of the Moving Help® MarketPlace he personally interfaced with customers and eMove Moving Helpers® directly to determine customer needs and what was required for execution within the program to meet those needs.

5. His responsibilities as Program Manager of the eMove Moving Help® MarketPlace include total oversight responsibility for the Moving Help® Department including marketing, business analysis, business strategy and business operations and supervision of 60-65 eMove employees within the Moving Help® Department.

6. He submits this Affidavit upon personal knowledge of the matters stated herein, except as to those matters stated upon information and belief and as to that information he believes them to be true. He has personally reviewed the exhibits attached to the Statement of Facts in Support of the Application for Preliminary Injunction. All reference to exhibits herein means the exhibits attached to such Application, unless otherwise stated.

7. Defendant Michael Glanz first submitted an application to become an eMove "Moving Helper®" within Plaintiff eMove's "Moving Helper® MarketPlace" at www.emove.com on or about July 20, 2005. He was accepted and activated as an eMove "Moving Helper®" on or about July 21, 2005 and de-activated December 16, 2005.

8. In his application to become an eMove "Moving Helper®", Glanz agreed to be bound to certain terms and conditions regarding the use of Plaintiff eMove's "Moving Help® MarketPlace." (See Plaintiff's "Moving Help® – Moving Helper® Agreement", a true and complete copy in effect on or about July 21, 2005. Exhibit B.

9. For approximately five months between July 21, 2005 and December 16, 2005, Glanz was provided 27 opportunities for moving jobs through eMove's "Moving Helper® MarketPlace." Of the 27 jobs offered, Glanz declined 23 and accepted four. Of the four that were accepted, he completed one. This rate of non-performance is extremely unusual within the industry and raises concern regarding inappropriate use of the "Moving Helper® MarketPlace" site.

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10. During the period that Glanz was activated as a "Moving Helper®", he had access, under specific terms and conditions, to eMove's confidential information or trade secrets including, but not limited to, eMove's business practices, object codes, business operations, capabilities, systems, strategies, marketing information, software technologies, processes, procedures, methods and applications belonging to eMove. (See Paragraph 26, of eMove's Moving Helper® Agreement, Exhibit B.)

11. Upon information and belief, approximately six months after Glanz' deactivation as a "Moving Helper®" on December 16, 2005, Hire a Helper was incorporated under the laws of the State of California on or about July 25, 2006.

12. Upon information and belief, Defendant Hire a Helper, LLC went live on the internet at www.HireAHelper.com in approximately July, 2007.

13. On or about May 5, 2007, approximately two months before going live with www.hireahelper.com, Glanz posted a blog on the internet at <http://blog.hireahelper.com/2007/05/05/how-bad-design-increases-business/>. In this blog, Glanz praises the web page design created by eMove. According to Defendant Glanz, he is looking for a web design that will capture, convert and retain customers. (See <http://blog.hireahelper.com/2007/05/05/how-bad-design-increases-business/> and print out, Exhibit D.)

14. Plaintiffs own and/or are the exclusive licensees of the marks "Moving Help®" and "Moving Helper®". The creation and/or first publication of eMove's website on or about January 1, 2004, subsequent update versions in August, 2005 and the continuous use and/or registration of Plaintiffs' service marks, trade names, trade dress, designs, architecture, structure, sequence, organization, and user interface and function and use of other intellectual property belonging to Plaintiffs occurred prior to Defendants' first use of these marks, terms, concepts, expressions and designs in approximately July, 2007.

15. Defendant Glanz' use of eMove's "Moving Help® MarketPlace" website and agreement as a "Moving Helper®" to the terms and conditions set forth in the Moving Help® - Moving Helper® Agreement on or about July 21, 2005 occurred prior to Glanz' incorporation of Hire a Helper, L.L.C. on or about July 25, 2006.

16. Defendant Glanz' use of eMove's "Moving Help® MarketPlace" website and agreement as a "Moving Helper®" to the terms and conditions set forth in the Moving Help® - Moving Helper® Agreement on or about July 21, 2005 occurred prior to Hire a Helper's first use of these terms, concepts and designs in its website on or about July, 2007.

17. eMove's "Moving Help®MarketPlace" site at movinghelp.emove.com went live January 1, 2004. This website functions as a neutral venue and digital clearinghouse for connection between persons who wish to act as service providers (also known as "Moving Helpers®") and customers. eMove and its "Moving Help® MarketPlace" site provides the customer with the names, prices and customer reviews of persons who have signed up as "Moving Helpers®." The "Moving Helper®" selected by the customer provides moving

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services to the customer. Services providers sign up within Plaintiff eMove's "Moving Help® MarketPlace" and agree to act as "Moving Helpers®."

18. Entering the eMove website, the user is given a selection of products and services including moving trucks and supplies, storage and moving assistance. Selecting the "Moving Help®" link brings the user to the web page designed for locating moving assistance. The consumer enters the date(s) and locations of his move by zip code and clicks on "Find Helpers." A list of "Moving Helpers®", together with their addresses, hourly rates and customer reviews appears. The consumer makes his selection and the Moving Helper® is contacted. The selected Moving Helper® is required to make contact with the consumer within 24 hours.

19. Each link within the eMove website provides additional links for the "Home Page", "Frequently Asked Questions" and "Cancellations and Refunds." Selecting "Frequently Asked Questions", areas of interest appear including "General Questions", "Filling Out an Order," "About Moving Helpers®" and "Payments, Changes and Cancellations". Some of these questions include:

How does Moving Help work?

- 1. The customer chooses Moving Helpers by comparing prices and other customers' reviews and places a request for help.***
- 2. You have 24 hours to accept the work. Once you accept the lead, the customer is charged and you are "pre-paid" for the work!***
- 3. You complete the work. Contact the customer, work out the details and get the job done. The customer will then give you the payment code.***
- 4. You get paid. Come back to the Moving Help Website, enter the payment code and get paid immediately.***

See and compare printout of eMove's Moving Help® Marketplace at https://movinghelp.emove.com/sp/signup_default.aspx, in effect June 21, 2008 (Exhibit E) with printout of Get Started as a Helper at <http://www.hireahelper.com/signup>, July 2, 2008 (Exhibit F.)

20. eMove's website markets a 1-2-3 step - fast and easy method for utilizing Plaintiff eMove's services. This 1-2-3 step process is an effective confluence of three elements: character depictions of the step by step process, a step numbering sequence and narrative. The "first" step is to "search" and "select" a "Moving Helper®" illustrated by a character depicting a person sitting at a computer. The "second" step is to request help and "get an answer within 24 hours." During this connection with the "Moving Helper®", it is explained that the customer and "Moving Helper®" will "discuss the details" of the job. This second step is illustrated by two characters depicted talking on the telephone. The "third" step is completion of the work and instructions to provide the "Moving Helper®" a preauthorized payment code which will then be

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used by the "Moving Helper®" to redeem payment from eMove. (See www.emove.com/movinghelp printout in effect June 21, 2008, Exhibit E).

21. Hire a Helper's website www.hireahelper.com went live in July, 2007. It also functions as a neutral venue and clearinghouse for connection between persons who wish to act as service providers (also called "Helpers" or "Moving Helpers") and customers. (See www.hireahelper.com and printout dated July 2, 2008, Exhibit F.)

22. Like the eMove website, Hire a Helper's "Moving Help" site gives the customer the names, prices and customer reviews of persons signed up as moving "Helpers." The "Moving Helper" selected by the customer provides moving services to the customer. Hire a Helper's "Moving Help" link invites service providers to sign up to provide "Moving Help" and act as a "moving helper". (See and compare www.emove.com/movinghelp printout, (Exhibit E) with www.hireahelper.com/moving-help and printout, Exhibit F.) This is identical to eMove's site.

23. Hire a Helper's "Hire a Helper" website also contains a sublink entitled "Moving Help". (See www.hireahelper.com/moving-help, Exhibit F.)

24. Entering the Hire a Helper "Moving Help" site, the user is given a selection of products and services including "moving help", cleaning help, lawn help and day labor help. This page illustrates the same 1-2-3 step process (1-2-3 Search, Contact, Pay) utilized by eMove. Selecting the "Moving Help" link within Hire a Helper brings the user to the web page designed for locating moving assistance. (1-2-3 Search, Contact, Pay). The consumer enters the date(s) and locations of his move by zip code. As with the eMove site, a list of "moving helpers", together with their addresses, hourly rates and customer reviews appears. As with the eMove site, the consumer makes his selection and the "Moving Helper" is contacted. The selected moving helper is required to make contact with the consumer within 24 hours. (See www.emove.com printout, Exhibit E.)

25. Hire a Helper's website at the "Moving Helper" link is virtually identical in architecture, design and dress. (See www.hireahelper.com/moving-help and printout, Exhibit F.) Like the eMove site, the www.hireahelper.com "Moving Helper" link is characterized by the same "1-2-3" step design ("Search, Compare, Save"/"Search, Contact, Pay"). The "first" step ("search") is illustrated by a person sitting at a computer "searching" for and "selecting" the helper. The "second" step ("contact") is illustrated as the contact connection. Like the eMove site, the customer is told that once he selects the "moving helper", he will make contact within 24 hours to discuss the details of the job. The "third" step ("pay") is providing the "moving helper" with the pre-authorized payment code. The customer is directed to give the mover the pre-authorized payment code which will then authorize the release of funds to the mover. See www.hireahelper.com/moving-help and printout, Exhibit F.)

26. Just like eMove's section entitled "How Does It Work?", Hire a Helper asks and answers the same questions:

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Payments, charges and cancellations	
What is a Payment code?	What is an authorization code?
What if I misplace or lose the Payment code?	What if I lose or misplace the authorization code?
How do I make changes to my Moving Help order?	How do I make changes to my job order?
How do I cancel my Moving Help order?	Can I cancel my order after it's been accepted?

Also see and compare eMove's Moving Help® Marketplace at https://movinghelp.emove.com/sp/signup_default.aspx printout, (Exhibit E) with Get Started as a Helper at <http://www.hireahelper.com/signup> printout (Exhibit F.)

The organization, structure and design of Defendants' website are identical to and were copied from eMove. Once a user has navigated one site, he can predict both the organization and content of the competitor's site.

See also and compare:

How does Moving Help® work?

1. **The customer chooses Moving Helpers by comparing prices and other customers' reviews and places a request for help.**
2. **You have 24 hours to accept the work. Once you accept the lead, the customer is charged and you are "pre-paid" for the work!**
3. **You complete the work. Contact the customer, work out the details and get the job done. The customer will then give you the payment code.**
4. **You get paid. Come back to the Moving Help Website, enter the payment code and get paid immediately.**

How does it work?

1. **Customers Search for Helpers:** Customers compare Helper rankings and select customers' reviews.
2. **Customer Requests Job:** You will receive an e-mail to alert you of a job request.
3. **Customer Pays You With an Authorization Code:** The customer will give you an authorization code when the job is complete.

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How does it work?

1. Customers Search for Helpers: Customers compare Helper rankings and select customers' reviews.
2. Customer Requests Job: You will receive an e-mail to alert you of a job request.
3. Customer Pays You With an Authorization Code: The customer will give you an authorization code when the job is complete.
4. Get Paid: Enter your authorization code and HireAHelper will direct deposit the funds (minus 15% HireAHelper service charge) into your bank account. You also have the option to receive a check in the mail if you prefer.

See and compare eMove's Moving Help® Marketplace at https://movinghelp.emove.com/sp/signup_default.aspx printout dated June 21, 2008, (Exhibit E) with Get Started as a Helper at <http://www.hireahelper.com/signup> printout, (Exhibit F.)

27. Copying eMove's organization and design, Hire a Helper also has a link for "Frequently Asked Questions." See and compare www.emove.com/pop_faq.aspx, www.emove.com/sp/signup_default.aspx printout dated June 21, 2008 (Exhibit E) with www.hireahelper.com/faqs and www.hireahelper.com/signup and attached printout dated July 2, 2008 (Exhibit F.)

The following questions are examples of eMove's "Frequently Asked Questions" garnered by eMove after years of business interaction with the customer and questions "developed" by Hire a Helper after accessing eMove's website:

eMove	Hire A Helper
About Moving Helpers.	
Who is a Moving Helper?	Who are Helpers?
Placing your Moving Helper® order.	How do I place an order?
What if I do not hear from the Moving Helper after my order is placed?	What if the Helper accepts my order, but does not show up?
What happens if a Moving Helper damages my goods during the move?	What do I do if a Helper damages my property during a job?
Are Moving Helpers bonded or insured?	Are Helpers bonded and/or insured?

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4. Get Paid: Enter your authorization code and HireAHelper will direct deposit the funds (minus 15% HireAHelper service charge) into your bank account. You also have the option to receive a check in the mail if you prefer.

See eMove's Moving Help® Marketplace at https://movinghelp.emove.com/sp/signup_default.aspx printout (Exhibit E) with Get Started as a Helper at <http://www.hireahelper.com/signup> and printout (Exhibit F.)

28. Plaintiffs U-Haul International and eMove's trade marks and/or other registered marks and names including "Moving Help®", "Moving Helper®", and the "Moving Help® MarketPlace" are service marks used in commercial sales and advertising of Plaintiff eMove's services. One or more of these trademarks have been used by eMove to distinguish itself from the services and products of others since at least 2002. The trademark "Moving Help®" was first used in commerce by Plaintiff eMove beginning on May 3, 2002 and filed and registered by Plaintiff U-Haul International on November 16, 2004. The trademark "Moving Helper®" was first used in commerce by Plaintiff eMove beginning on January 1, 2004 and filed and registered by Plaintiff U-Haul International on October 19, 2005 and October 30, 2007.

29. Hire a Helper's website and sublink entitled "Moving Help", advertises the sale of its services for "Moving Help", and instructs the customer on how to search for local "Moving Help". The Hire a Helper website advertises that after selection, the "Moving Helper" will contact the customer to discuss the details of the move. Hire a Helper uses the registered marks "Moving Help" and/or "Moving Helper" repeatedly in the context of the advertising and/or sale of its services located at www.hireahelper.com.

30. eMove is the first company to utilize the concept of an internet based neutral venue for connecting or matching consumers looking for moving assistance ("Moving Help®") with independent contractors who are looking for moving customers and wish to act as "Moving Helpers®". The eMove website and "Moving Help®MarketPlace"within eMove's website contain buried or hidden codes utilizing the trademarks "Moving Help®" and "Moving Helper®". These codes are also known as "metatags" or the "HTML" codes. Metatags or HTML codes are not visible to the web user. However, they are used and therefore identified by search engines in determining which sites correspond to keywords used or entered by a web user.

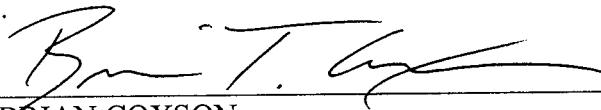
31. Hire a Helper, LLC's website at www.hireahelper.com also contains similar metatags or html codes not readily visible to the consumer. Hire a Helper's metatags or html code contain, among others, the keyword "Moving Help®". (See Hire a Helper, LLC's website at www.hireahelper.com. If a consumer enters the search word "Moving Help®" intending to reach eMove's "Moving Help® MarketPlace", search engines will pull up not only eMove's "Moving Help® MarketPlace" within the Moving Help® subdomain, but will also identify and locate Hire a Helper's website at www.hireahelper.com.

32. Upon information and belief, in July, 2007, Defendant Hire a Helper went live at www.hireahelper.com. Two months earlier, Defendant Glanz posted a blog on the internet praising e-Move's website design. According to Defendant Glanz, he was looking for a website

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design that would capture, convert and retain customers. (See <http://blog.hireahelper.com/2007/05/05/how-bad-design-increases-business/>; See also printout, Exhibit D.)

Further, Affiant sayeth naught.

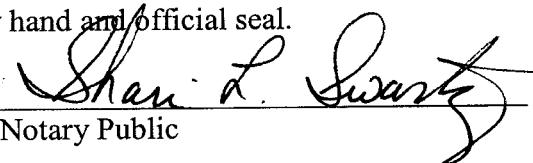


BRIAN COXSON

STATE OF ARIZONA)
) ss.
County of Maricopa)

On the 3 day of July, 2008, before me, the undersigned Notary Public, personally appeared BRIAN COXSON, known to me to be the person whose name is subscribed to the foregoing Affidavit, and acknowledge that he executed the same for the purposes therein stated.

In witness whereof, I hereunto set my hand and official seal.



Notary Public

My commission expires:

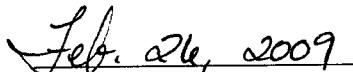


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